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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

C.T.,

Plaintiff,

vs.

JASON FOSBERG, an individual; RED  
ROBIN INTERNATIONAL, INC., a Nevada  
corporation,

Defendants.

Case No.: 3:22-cv-00637

**DECLARATION OF DESTINY  
HOLMES IN SUPPORT OF  
DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION TO REMAND**

I, Destiny Holmes, hereby declare:

1. My name is Destiny Holmes, and I am over the age of eighteen-years-old. I am of sound mind and otherwise competent to give this Declaration. The matters set forth in this

Declaration are, unless stated otherwise, based upon my personal knowledge and are true and correct under the penalty of perjury. if called to testify, I would testify as follows:

2. I was an employee at the Red Robin Clackamas Town Center on March 24, 2021. On March 24, 2021, I was working as a server. C.T. and his party were seated in my section, and I took their order.

3. Throughout the night, I observed the restaurant manager, Jason Fosberg, in the kitchen preparing fries. I never saw Mr. Fosberg interact with C.T. before C.T.'s group received its food. I later observed Mr. Fosberg speaking to C.T. after he had completed his meal.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

DATED: June 24, 2022 at Clackamas, Oregon.

s/ *Destiny Holmes*  
Destiny Holmes

### DECLARATION OF SERVICE

I hereby certify that I served the foregoing **DECLARATION OF DESTINY HOLMES  
IN SUPPORT OF DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO  
REMAND** via:

- ☐ Electronic Mail
- ☐ US Postal Service
- ☒ CM/ECF
- ☐ Facsimile Service
- ☐ Hand Delivery
- ☐ UPS

as follows on the date stated below:

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*Attorneys for Plaintiff*

DATED this 24<sup>th</sup> day of June, 2022.

By: s/ Delores Petrich  
Delores Petrich

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